

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

S1 06 Cr. 718 (CM)

-against-

NOTICE OF MOTION

HURGENES PIGNARD,

Defendant.

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PLEASE TAKE NOTICE that upon the annexed affirmation of THEODORE S. GREEN dated February 26, 2007, the annexed exhibits and accompanying memorandum of law, and the prior proceedings herein, the undersigned will move this Court before Hon. Colleen McMahon, on March 27, 2007, at 9:00 a.m., or as soon thereafter as counsel may be heard, at the Courthouse, 300 Quarropas Street, White Plains, New York, 10601, for orders:

1. Pursuant to Fed. R. Crim. P. 8(a), granting a separate trial with respect to Count 5 of the superceding indictment upon the ground that it is misjoined as a matter of law with the other counts and/or granting a separate trial on the ground of prejudicial misjoinder pursuant to Fed. R. Crim. P. 14(a) and,
2. Granting such other and further relief as may be appropriate.

Dated: White Plains, New York
February 28, 2007

Yours, etc.,

s/ Theodore S. Green

THEODORE S. GREEN
TG 1884
Attorney for Defendant
GREEN & WILLSTATTER
200 Mamaroneck Avenue - Suite 403
White Plains, New York 10601
(914) 948-5656

TO: JOHN P. COLLINS, JR., ESQ.
Assistant U.S. Attorney
300 Quarropas Street
White Plains, New York 10601
(914) 993-1936